

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE: TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

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03 MDL No. 1570

**This document relates to:**

*Burnett, et al. v. Al Baraka Inv. & Dev. Corp., et al*, Case No. 03 CV 9849 (GBD)(FM)  
*Ashton, et al. v Al Qaeda Islamic Army, et al.*, Case No. 02 CV 6977 (GBD)(FM)

**AFFIDAVIT OF ROBERT T. HAEFELE**

I, Robert T. Haefele, state the following:

1. I am an attorney admitted to practice *pro hac vice* before this Court and an Associate at the firm of Motley Rice LLC, counsel for Plaintiffs in *Burnett, et al. v. Al Baraka Investment & Development Corp., et al.*, Civil Action Nos. 03 CV 9849. I submit this affidavit to provide the Court with the exhibits referenced in the *Ashton* and *Burnett* Plaintiffs' letter dated August 15, 2008, in support of the *Ashton* and *Burnett* Plaintiffs' request for an extension of time to respond to NCB's "renewed" motion to dismiss.

2. Attached are true and correct copies of Plaintiffs' exhibits identified as follows in the *Ashton* and *Burnett* Plaintiffs' letter dated August 15, 2008:

- a) Exhibit 1 – a copy of a Diplomatic Cable transmission from Ambassador Poletti, dated July 19, 1999, and a certified translation of the transmission.
- b) Exhibit 2 – a copy of a Diplomatic Cable transmission from Ambassador Poletti, dated July 21, 1999, and a certified translation of the transmission.
- c) Exhibit 3 – a copy of the March 23, 2007 transcript of the hearing before the Honorable Magistrate Judge Frank Maas, in the above-referenced litigation, at page 37.

- d) Exhibit 4 – a copy of the August 13, 2007 letter from Ronald Liebman to Judge Maas, at page 3.
- e) Exhibit 5 – a copy of an NCB Aviation Department – Skyways International Business Card.
- f) Exhibit 6 – a copy of the Saudi Arabian Airlines archived website, dated January 16, 2008.
- g) Exhibit 7 – a copy of the Skyway International Registration, Texas Secretary of State, 2003.
- h) Exhibit 8 – a copy of the transcript of the deposition of Lawrence G. Smith in the above referenced litigation, taken on July 27, 2007, at page 133.
- i) Exhibit 9 – a copy of Dun & Bradstreet WorldBase Report of Mid East Jet, October 30, 2003.
- j) Exhibit 10 – a copy of ICP Updated dated October 26, 2005.
- k) Exhibit 11 – a copy of Dun & Bradstreet WorldBase Report of Mid East Jet, June 10, 2005.
- l) Exhibit 12 – a copy of a September 1, 2002 Hotel Receipt of Muhammad Tahsin.
- m) Exhibit 13 – a copy of a December 23, 1997 facsimile transmittal of Ndeem Farooqui.
- n) Exhibit 14 – a copy of excerpts of FAA U.S. RVSM Approvals dated January 18, 2008, pages 1, 8 and 9.
- o) Exhibit 15 – a copy of excerpts of FAA Flight Tracking Data.

- p) Exhibit 16 – a copy of an FAA certification of Keith Wyndham Monroe.
- q) Exhibit 17 – a copy of a February 18, 1998 facsimile transmittal of NCB Aviation identifying a list of NCB Aviation crew, including “Buddy” Rogers and Johnny Antoon.
- r) Exhibit 18 – a copy of an FAA Registration of Buddy Rogers.
- s) Exhibit 19 – a copy of an FAA certification of Johnny Issac Antoon.
- t) Exhibit 20 – a copy of an FAA certification of Muhammad Tahsin.
- u) Exhibit 21 – a copy of US Customs correspondence, dated December 30, 2002.
- v) Exhibit 22 – documents that are subject to a confidentiality agreement with defendant the Saudi Binladin Group, Bates labeled T0000024, T0000025, T0000038 and T0000042, and pursuant to that agreement shall be filed under seal.

I declare under penalty of perjury that the foregoing is true and correct, based on my knowledge, information and belief.

Executed on August 11, 2008,  
in Mount Pleasant, South Carolina

  
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Robert T. Haefele